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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/763,440   | 02/21/2001  | Wiebe De Haan        | PHN17,518           | 6259             |
| 24737  | 7590        | 01/11/2006           | EXAMINER            |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                      | BOCCIO, VINCENT F   |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 2616                 |                     |                  |
| DATE MAILED: 01/11/2006  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/763,440             | DE HAAN, WIEBE      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Vincent F. Boccio      | 2616                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 October 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \*    c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Response to Arguments**

1. Applicant's arguments filed 10/24/05 have been fully considered but they are not persuasive.

{A} In re page 8, applicant states, with respect to the 112 Para 2 rejection,

"the "dummy cell and the "buffer cell are the same thing .... Buffer cell is clearly illustrated at the end of the video object is a navigation pack.".

In response the examiner has no objection to modifying to an alternative term, which does not change the scope, the examiner agrees.

The examiner requests where is this data structure illustrated in the drawings, as claimed?????????

**NEW Drawing Objection**

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the claimed data structure is not deemed to be clearly illustrated, wherein the now claimed buffer/dummy cell that is not being referenced by a playback sequence is not deemed clearly illustrated in the drawings.

As Kikuchi as deemed by the examiner in Fig. 9 clearly illustrates a dummy pack at the end of every VOBU, therefore is also at the end of the Video Object, as is clear to the primary examiner.

Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

In addition, merely changing one word in the claim which does not change the scope, does not alleviate the issues raised, the issue of simple, the wording used is, "ONLY", therefore, the

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dummy cell cannot have anything else, in it, as deemed by the examiner only a Navigation Pack, cannot include additional free space, as recited, please amend the claims to overcome this absolute wording, "only", which is still deemed to render the claims indefinite, because it is deemed there is or exists free space of a/the buffer/dummy cell in addition, to the navigation pack which is a header, since at page 7, applicant states that "the buffer cell is not completely filled", therefore there exists extra in the cell besides the header or navigation pack or header.

{B} In re page 8, applicant states, "an Audio Pack is recorded at the end of the cell 84 and not a dummy pack 89."

In response the examiner has put much analysis to the reference, applicant has not acknowledged the dummy/buffer area being at the end of the Object is clear to the examiner as illustrated.

For the record the examiner has vast knowledge of the many DVD data structures, which are not the simplest recording data structures to comprehend, the examiner will attempt to shed light on the reading of the limitation.

The examiner cites Fig. 9 again, as shown each object includes multiple VOBUs, which is the first VOBU shown (left side), has a Navigation pack 86 and a dummy pack at its end, just prior to the next navigation pack 86, this is the data structure of each VOBU, therefore, the end of the VOBU is not the Audio pack as stated by applicant, but, reads in the data structure of one VOBU, which all VOBUs, are deemed to be the same, therefore at the end of each VOBU there exists a dummy pack, which reads directly on the claimed, dummy or buffer cell, as was and is clear to the examiner, therefore since all VOBUs include this dummy/buffer area at the end of each, therefore, the cell includes a dummy/buffer cell which is at the end of the VOBU and therefore is also at the end of the Object, because VOB is made up of VOBU units, though-out the VOB, as is clear, therefore, there is a dummy/buffer pack/cell at the end of every VOB, therefore, the claims are not deemed to be distinguishable.

{C} In re page 8, applicant states, "no disclosure or suggestion within Kikuchi recording a dummy cell that is not being referenced in the playback information" and further on page 9, describes that this the dummy packets are wildcards packs that can become any of audio, sub-picture and video, therefore, upon

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dummy packs being used to edit data where it most certainly becomes part of the playback sequence.”.

In response the examiner agrees that upon recording audio or video to the dummy area, thereafter is would be part a playback sequence, but, prior to editing directly and clearly reads on the claims, prior to editing, but, with the data structure as illustrated applicant has not proven for the record that the reference fails to meet the limitation prior to using the dummy cell in editing, the examiner clearly relies on the reference prior to editing step the data structure reads on the claims.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As recited claims 7 and 14, recite that the dummy/buffer cell comprises only a Navigation Pack, wherein in accord to the specification all dummy cells have at least some dummy data, therefore, as recited the claim is deemed indefinite, by using the wording, “only a navigation pack”, which implies that only a navigation pack for a dummy cell, wherein there cannot exist any dummy data, as understood, therefore, as written the claims are deemed indefinite.

The 112 Para 2 is maintained in view of the argument are not deemed persuasive.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United

States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. (US 6,577,812).

The examiner incorporates by reference the rejection against the claims, in view of the scope of the claims has not been changed by merely changing the wording in some claims from dummy to buffer.

**Conclusion**

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Fax Information**

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
1/7/06

  
VINCENT BOCCIO  
PRIMARY EXAMINER

Drawings  
Approved  
1/7/06  
VTS

## REPLACEMENT SHEET

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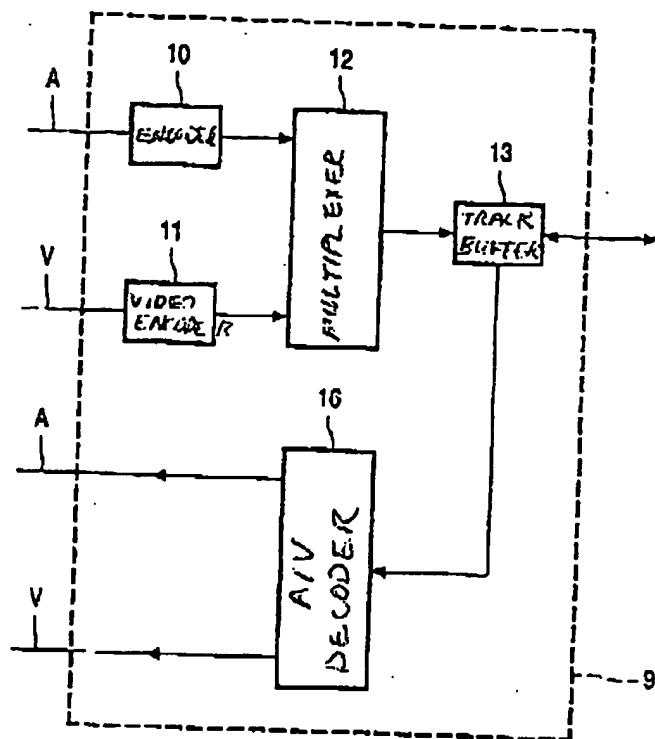


FIG. 9

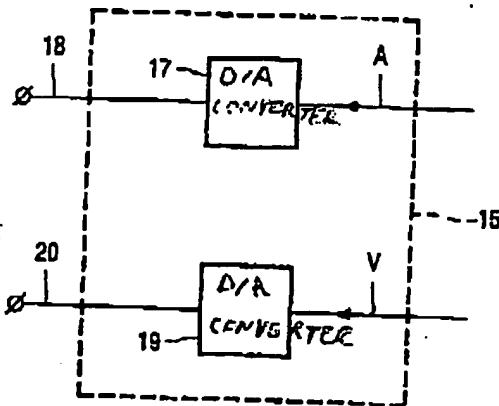


FIG. 10

## REPLACEMENT SHEET

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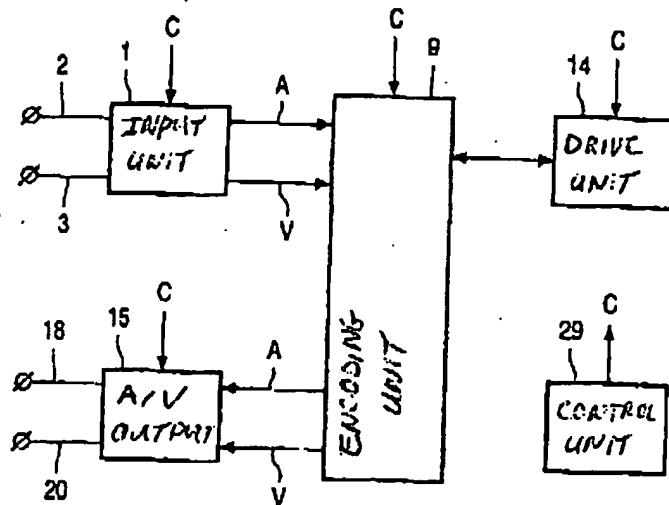


FIG. 7

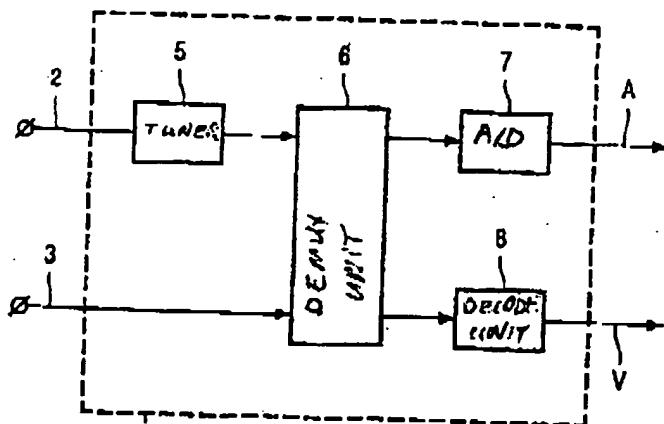


FIG. 8

## REPLACEMENT SHEET

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14

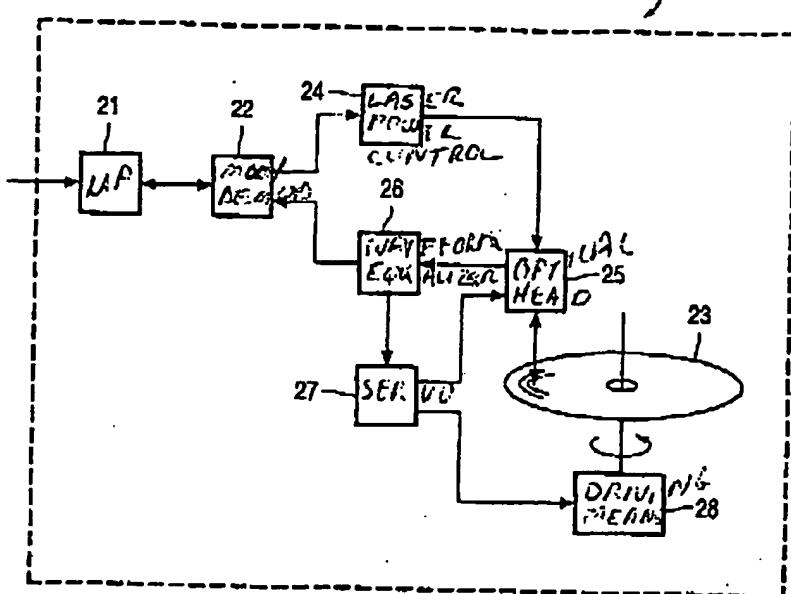


FIG. 11

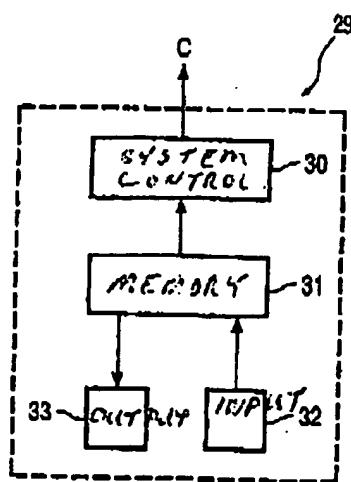


FIG. 12